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STATE FOR EUR/SCE AND EUR NCE

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TAGS: [PGOV](#) [PREL](#) [EU](#) [KV](#) [NATO](#) [YI](#) [RO](#)

SUBJECT: ROMANIA ON KOSOVO NEXT STEPS

REF: STATE 109526

Classified By: A/DCM Jennifer Bonner for Reasons 1.4(b) and (d)

¶1. (C) Summary: Romania's Kosovo policy is largely driven from the top, especially by President Basescu's office which continues to adhere to the view that no solution can be imposed on Belgrade and Pristina without damaging the fundamental OSCE principles of territorial integrity.

Romanians also argue against the implied preeminence of collective minority rights over the state's responsibility to protect individual rights in Kosovo. MFA lawyers reportedly were tasked with conducting a legal review of Basescu's cautionary position on Kosovo and have concurred his position was in fact legally correct and sound, including his concerns about the risk of setting a negative precedent under international law. The MFA Director General for European Affairs told us he would like to see direct negotiations between Belgrade and Pristina, without international "middlemen" in order to give the two sides a chance to find common ground. He noted that even with a unilateral Kosovar declaration of independence, there can be no seat in the UN without Russia's concurrence. He compared independence without Russia's concurrence to the situation facing Taiwan, with Kosovars gaining all of the attributes of statehood, but without the ultimate legitimacy conferred by UN membership. End Summary.

¶2. (C) Charge presented reftel points to MFA State Secretary (Deputy Foreign Minister equivalent) Adrian Verita on August 9, and Poloffs followed up with MFA Director General for European Affairs Razvan Rusu on August 23. Verita confirmed that President Basescu drove the policy on Kosovo. Vierita noted that he had commissioned the MFA's legal department to review Basescu's cautionary position on Kosovo, especially in terms of its potential to set a negative precedent under international law with regards to the principle of territorial integrity and self-determination. MFA lawyers had concluded that Basescu's position was legally correct and sound. Vierita also reported that he had heard that the Italians were playing with some new recipes for "improving" Ahtisaari's recommendations (NFI).

¶3. (C) In a follow-up meeting with Poloffs, MFA DG for Europe Razvan Rusu said that Belgrade has complained that the Contact Group has been discouraging face-to-face negotiations between Belgrade and Pristina. He said that the MFA's assessment is that the Kosovar Albanians might be willing to show more flexibility if they could simply engage directly with Belgrade and discuss the range of options for substantial autonomy or even confederation along the same lines as Serbia and Montenegro. He mused that these half-way steps might be palatable to the Kosovar Albanians if they were seen as irreversible. Referencing the fundamental OSCE principles of territorial integrity, Rusu argued that collective minority rights could not take precedence over a

state's obligation to protect individual rights in Kosovo.

¶4. (C) Rusu noted that even if Kosovo were to declare independence unilaterally -- and with most of Europe recognizing Kosovo -- it is unlikely that Moscow would be willing to agree to UN membership for Kosovo. This would leave Kosovo in a situation akin to Taiwan, where it would have all of the attributes of nationhood minus the legitimacy conferred by UN membership. He questioned whether Pristina would be willing to go the "Taiwan route." In closing, Rusu agreed that there would be little likelihood of any substantive change by December. He added that NATO and EU Allies will need to be attentive to coordinating their responses to the situation at that time, and stressed that Alliance (and EU) solidarity was paramount in order to deny Moscow the opportunity to exploit any fissures.

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